

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:  
cv-15-1655-PHX-DGC  
Marcia Roeder vs. Bard, et al.

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS AND  
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Marcia Roeder, Deceased

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

Steven A. Roeder, Executor

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
the time of implant:

Ohio

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
the time of injury:

Ohio

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Ohio

1           7.     District Court and Division in which venue would be proper absent direct filing:

2  
3                     United States District Court - Northern District of Ohio

4           8.     Defendants (check Defendants against whom Complaint is made):

5                 X     C.R. Bard Inc.

6                 X     Bard Peripheral Vascular, Inc.

7           9.     Basis of Jurisdiction:

8                 X     Diversity of Citizenship

9                 ☐    Other: \_\_\_\_\_

10           a.    Other allegations of jurisdiction and venue not expressed in Master  
11                   Complaint:

12                   \_\_\_\_\_  
13                   \_\_\_\_\_  
14                   \_\_\_\_\_

15           10.    Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a  
16                   claim (Check applicable Inferior Vena Cava Filter(s)):

17                 ☐    Recovery<sup>®</sup> Vena Cava Filter

18                 ☐    G2<sup>®</sup> Vena Cava Filter

19                 ☐    G2<sup>®</sup> Express Vena Cava Filter

20                 ☐    G2<sup>®</sup> X Vena Cava Filter

☐    Eclipse<sup>®</sup> Vena Cava Filter

                 X     Meridian<sup>®</sup> Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

February 24, 2013

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

☐ Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence – Failure to Warn

☐ Count VIII: Negligent Misrepresentation

X Count IX: Negligence *Per Se*

X Count X: Breach of Express Warranty

X Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

☐ Count XIV: Violations of Applicable \_\_\_\_\_ (insert state) Law

Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

X Count XVII: Survival

X Punitive Damages

☐ Other(s): \_\_\_\_\_ (please state the facts supporting  
this Count in the space immediately below)

---

---

---

---

---

13. Jury Trial demanded for all issues so triable?

X Yes

☐ No

RESPECTFULLY SUBMITTED this 3rd day of June, 2016.

**LAW OFFICES OF BEN C. MARTIN**

By: /s/ Ben C. Martin  
Ben C. Martin  
3219 McKinney, Suite 100  
Dallas, Texas 75204  
214/761-6614 (Tel)  
214/744-7590 (Fax)  
*bmartin@bencmartin.com*

COUNSEL FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ben C. Martin  
Ben C. Martin